

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Hangzhou Kailai Neckwear Apparel Co.,

Plaintiff,

—v—

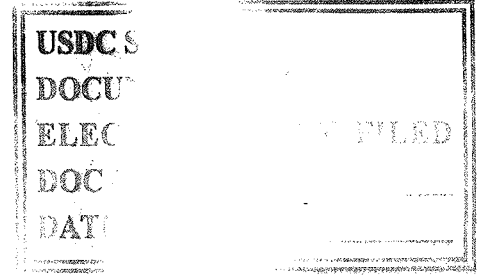
NCP Direct Sourcing, Inc., et al.,

Defendants.

ALISON J. NATHAN, District Judge:

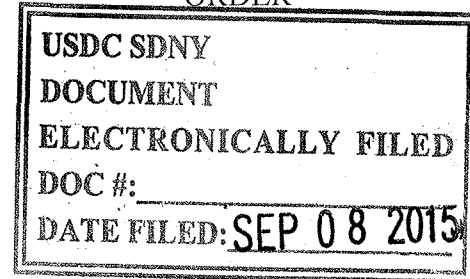
On August 12, 2015, Defendants first moved to amend their answer and counterclaim, pursuant to Rule 15(a)(2), in order to correct certain factual representations in the pleading. *See* Dkt. No. 21. Specifically, the Defendants wish to downwardly revise the damages estimate contained in their counterclaim. *Id.* Plaintiff opposes this request for three reasons. First, it contends that Defendants improperly filed their request as a letter motion, rather than as a formal motion. Second, it insists that Defendants' request is untimely. Finally, it argues that it will be prejudiced by the request. *See* Dkt. No. 24.

The Court rejects Plaintiff's arguments. Plaintiff notes that the Southern District of New York ECF Instructions provide that letter motions may be filed for, *inter alia*, motions to adjourn conferences, motions for conferences, and motions for extensions of time, but not for a motion for leave to amend a pleading. *Id.* Nevertheless, the Rule expressly contemplates that the District Court may allow the use of letter motions at its discretion. *See* Local Rule 7.1(a). In this instance, the Court will accept the ECF-filed letter motion as a motion to amend.



15-cv-1441 (AJN)

ORDER



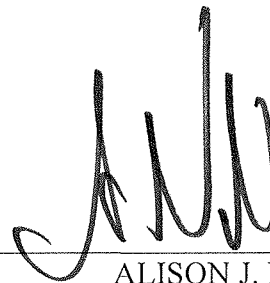
As to Plaintiff's second argument, the Case Management Plan adopted by the Court set August 13, 2015 as the deadline for motions to amend pleadings. *See* Dkt. No. 20. Defendants' motion was filed on August 12, 2015 and is therefore timely. *See* Dkt. No. 21.

Finally, Plaintiff's claim of prejudice does not outweigh Rule 15(a)(2)'s liberal standard for leave to amend pleadings, which requires the Court to "freely give leave when justice so requires." In this case, Defendants propose a limited factual amendment to their counterclaim, downwardly revising their damages estimate. They do not propose significantly modifying their claims or affirmative defenses, nor do they propose adding additional parties. Although Plaintiff claims that it will be prejudiced by a need to "expend further time and resources in replying to Defendants' amended pleading," *see* Dkt. No. 24, it does not explain why a limited, factual amendment to Defendants' counterclaim will require the expenditure of time and resources.

Accordingly, the Defendants' request is GRANTED and they are hereby granted leave to file to the docket what is attached as Exhibit B to their letter motion, "Amended Answer, Affirmative Defenses, and Counterclaims."

SO ORDERED.

Dated: Sept. 8, 2015
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written over a horizontal line.

ALISON J. NATHAN
United States District Judge